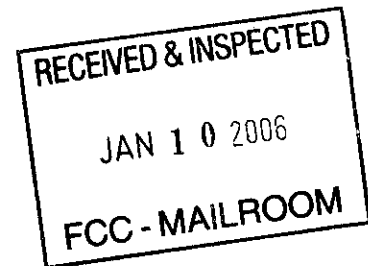


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# Office of Enterprise Technology



State of MN  
Office of Enterprise Technology  
658 Cedar Street  
Room 510  
St. Paul, MN 55155-1603  
651.201-1041  
Fax: 651.297.5368  
Relay Service 1-800-627-3529 (TTY)

1-10-06

Federal Communications Commission  
Office of the Secretary  
445 - 12<sup>th</sup> Street, SW  
Washington, DC 20554  
**FAX: 202-418-0187**

RECEIVED & INSPECTED

JAN 10 2006

FCC - MAILROOM

**CC Docket No. 02-6**

This letter is being sent as an appeal as a **Request for Review** of a decision made by the SLD in a letter dated 1-4-06 to deny Form 471 Application #461004, FRN # 1266682 for funding year 2005.

Explanations for the denial include that I failed to provide evidence of authority to file Forms 471 on behalf of this particular consortium member. The authorized person of this Letter of Agency forgot to include her handwritten signature and left this school in the summer of 2005. We got in touch with her and she signed this Letter of Agency. Enclosed is the revised letter in question.

Billed Entity Number     **151067**

Signature *Mary E. Troxel*     Date **1-10-06**

Printed name of authorized person     **Mary E. Troxel**

Thanks! *~Mary E. Troxel*

Mary E. Troxel

E-Rate Coordinator

State of MN - Office of Enterprise Technology (as of 7-1-05)

**651-201-1041**

651-297-5368 (fax)

mary.troxel@state.mn.us

DEC. 5. 2005 1:27PM

DAKOTA COUNTY E&E

NO. 808 P. 2/3

Independent School District No. 621



# Mounds View Public Schools

2959 North Hamline Avenue • St. Paul, Minnesota • 55113 • Phone (651) 639-6110  
Fax (651) 639-6103

Learning for Life - A Community in Partnership

State of Minnesota Admin Telecom  
658 Cedar Street, Room 510  
St. Paul, MN 55155-1603

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JAN 10 2006

FCC - MAILROOM

Re: Letter of Agency For Funding Year 2005 - 2006

This is to confirm our participation in the State of Minnesota E-rate Consortium for the procurement of Telecom Services. I hereby authorize State of Minnesota to submit FCC Form 470, FCC Form 471, and other E-rate forms to the Schools and Libraries Division of the Universal Service Administrative Company on behalf of the Mounds View School District 621.

I understand that, in submitting these forms on our behalf, you are making certifications for Mounds View School District 621. By signing this Letter of Agency, I make the following certifications:

(a) I certify that schools in our district are all schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(16) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.

(b) I certify that our school district has/have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year.

(c) I certify that our school district is/are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):

- ☐ Individual technology plan for using the services requested in this application; and/or
- ☐ Higher-level technology plan(s) for using the services requested in this application; or
- ☐ No technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

(d) I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k).

(e) I certify that our school district has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

(f) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

(g) I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

Serving the communities of Arden Hills - Mounds View - New Brighton - North Oaks - Roseville - Shoreview - Vadnais Heights  
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P.02

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JAN 10 2006 15:47

(h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.

(i) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

(j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.508(c).

(k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

(l) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to State of Minnesota for E-rate submission is true.

Mounds View School District 621  
Shari Colmark  
January 12, 2005  
Telecommunication Network Specialist







Universal Service Administrative Company  
Schools & Libraries Division

**Administrator's Decision on Appeal - Funding Year 2005-2006**

January 04, 2006

Mr. E. Tenzel  
State of Minnesota - Department of Administration  
500 Cedar Street  
St Paul, MN 55155-1603

Re: Applicant Name:	STATE OF MINN ADMIN TEL COM
Billed Entry Number	151987
Form 471 Application Number	461961
Funding Request Number(s):	126682
Your Correspondence Dated:	August 03, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your letter of appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s):	126682
Decision on Appeal:	Denied
Explanation:	

- On appeal, you seek reversal of the SLD's decision to deny the funding request because you failed to provide evidence of authority to file Form 471 on behalf of, or evidence of the membership of, a substantial number of the members included in this consortium. You state that on March 8, 2005, you faxed 54 pages of Letters of Agency (LOAs) to the PCA for 16 schools and libraries. Furthermore, you state that all of the consortium members used the sample LOA that is recommended by the SLD. You included a copy of the specific LOA in question.
- Upon review of your appeal, the relevant facts and supporting documentation, the SLD determined that the LOA you provided for Mounds View Public Schools on March 8, 2005, during the Consortium Review of your Form 471 application did

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not include the signature of the member. On the PIA request of March 7, 2003, you were informed that the LOA must contain the dated signature and title of the authorized person at member end. Hence, the LOA for the entity was deemed unacceptable, and the funding request for this entity was denied. On appeal, you included another copy of the unsigned LOA. You did not provide any evidence or support that indicates that a signed LOA was on file with the consortium at the time the Form 471 was submitted, consequently your appeal is denied.

During the Program Integrity Assurances review of your Form 471 application you were asked to provide evidence of your authority to file Forms 471 on behalf of, or evidence of the membership of, all the members included in the consortium. SLD denied your application because you failed to provide proof of your authorization to represent all entities for which services were sought and/or proof of their membership in the consortium. On your appeal, you did not show that the SLD's determination was incorrect, consequently, your appeal is denied.

You failed to provide evidence of your authority to file FCC Form 471 on behalf of, or evidence of, the membership of, all the members included in this consortium. FCC rules require that the Form 471 shall be signed by the person authorized to order telecommunications and other supported services for the eligible schools or libraries or the consortium. The Form 471 shall include that person's various certifications under oath, submitted on behalf of eligible entities applying for discounts. 47 C.F.R. § 54.304 (c)(1). During the course of the application review, the SLD may seek documentation to confirm the consortium leader's authorization to represent all entities in the application, proof of each entity's membership in the consortium and their knowledge of filing of the applicable Form (s) 471 on their behalf. See Instructions for Completing the Schools and Libraries Universal Service Services Ordered and Certification Form (FCC Form 471), OMB 2002-0606 (October 2002) at Item 33.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-5 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



Mary E. Traxler  
State of Minnesota - Department of  
Administration  
1000 Capitol Square  
St. Paul, MN 55155-1503

Build Policy Number: 131037  
Form 471 Application Number: 461004  
Form 425 Application Number: